



Appeal Decision

Site visit made on 18 March 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/D0840/W/24/3354978

Trenant Hangar, St Minver, Wadebridge, Cornwall, PL27 6QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Claridge (High Barn Estates Ltd) against the decision of Cornwall Council.
 - The application Ref is PA24/05161.
 - The development proposed is construction of 2 dwellings in lieu of Class Q.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (NPPF) came into force on 12 December 2024 after the appeal was lodged. The implications of the revised NPPF were addressed in the Council's Statement of Case dated 13 January 2025, to which the Appellant responded in their Final Comments dated January 2025. In view of this, I have not sought any further comments from the parties on the revised NPPF.

Main Issues

3. The main issues are: (a) whether the proposed development would be acceptable having regard to local and national planning policies on the location of housing, and (b) the effect of the development on the character and appearance of the area.

Reasons

Suitability of location

4. The appeal site is located on the western side of a lane and comprises an existing agricultural barn and the land that immediately surrounds it. To the west is an open field that is separated from the curtilage of the appeal site by wire stock fencing. A metal five bar gate, at the northern end of the site, provides access onto a grassed track that leads to the barn and a telecom mast located in the south eastern corner of the appeal site. The southern boundary adjoins the same open field with the eastern boundary abutting the lane with Cornish Hedging. To the north and on the opposite side of the lane is a cluster of buildings, Trenants Steading, comprising of a large barn, two storey dwelling and various stone barns and outbuildings. Further to the north west is Lundynant caravan site. The closest settlements are Polzeath

and New Polzeath to the west of the appeal site. The appeal proposal involves the construction of two dwellings.

5. The spatial strategy for Cornwall is set out in policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP). This seeks to manage the location and scale of new housing and encourage sustainable development that maintains the dispersed development pattern of Cornwall. This approach is expanded in policy 3 which states that new housing will be delivered through a Site Allocations Development Plan Document or neighbourhood plan for the identified main towns, new eco-communities and in areas outside the main towns, through neighbourhood plans, infill, rounding off, previously developed land (pdl) or rural exception sites.
6. Policy 7 of the CLP states that new homes in the open countryside will only be permitted where there are special circumstances. It must be read in conjunction with policy STMNDP 2.6 of the St Minver Parishes Neighbourhood Development Plan (NDP) which states that additional build, rebuild or extension outside the defined Development Boundaries or Special Development Areas (SDA) will not be permitted except in exceptional circumstances.
7. The appeal site is not located within a defined Development Boundary or an SDA and neither is it located adjacent to a recognised settlement. It is therefore located within the open countryside. This finding is supported by the definition of open countryside set out, in particular, in paragraph 2.33 (to policy 7) of the CLP. As such, the appeal proposal does not fall within any of the exceptions or special circumstances set out in policy 7 of the CLP or policy STMNDP 2.6 of the NDP and it would thus be contrary to those policies, as well as policy 2 of the CLP.
8. The Appellant argues that whilst the proposal does not strictly align with policy 7 or policy STMNDP 2.6 this does not mean that it automatically conflicts with the spatial strategy. I disagree. The spatial strategy sets out clearly how the location and scale of new housing will be managed and encouraged, and those locations where it will be restricted. That approach is consistent with the policies of the NPPF seeking to restrict new housing in the open countryside and ensure that new housing is appropriately located and sustainable.
9. Whilst policy 7 of the CLP allows replacement dwellings of broadly comparable size and scale to the dwelling being replaced that does not apply to the appeal proposal as it seeks to demolish and replace an existing agricultural barn. Policy 7 also allows for the reuse and conversion of suitably constructed redundant buildings but again that is not relevant as the proposal involves the demolition of a barn and its replacement by two new dwellings.
10. Policy C1 of the Climate Emergency Development Plan Document (DPD) requires new development to actively support walking and cycling and maximise the use of public transport. The Appellant argues that the appeal site is well related to Polzeath. Whilst I accept that the site is close to that settlement, it is physically and functionally divorced from it by a number of fields and by a reasonable distance by road. The local services and facilities within Polzeath could be accessible on foot or by cycle but I understand the routes involved would be along the lane, main road or public footpath which would not be easy, convenient or safe particularly at night or during poor weather, given the absence of pavements and street lighting, and with the speed of road traffic. There are some bus stops on the main road, which would involve walking along the same routes described above, albeit there is no

evidence before me as to the whether these offer regular and reliable services. Overall, occupiers of the appeal proposal are likely to be reliant on the use of the private car to access their day to day needs. I am not convinced, therefore, that the appeal proposal would constitute sustainable development.

11. The Appellant contends that the appeal proposal is supported by policy 21 of the CLP. I disagree. That policy relates to the encouragement that will be given to the best use of land and sustainably located proposals that use pdl, buildings or other despoiled/derelict land. The Appellant does not contend that the appeal site is pdl with the definition in Annex 2 of the NPPF specifically excluding land that is or was last occupied by an agricultural building. Even so, policy 3 of the CLP states that the delivery of development through pdl should relate to sites “*within or immediately adjoining that settlement*”. The appeal site is not within or adjacent to a settlement.
12. Accordingly, I find that the appeal proposal would be contrary to policies 2 and 7 of the CLP, policy STMNDP 2.6 of the NDP, policy C1 of the DPD and the corresponding policies of the NPPF.
13. Both parties have referred to the approval to convert the barn on the appeal site into two dwellings under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (ref. PA23/02695) (Class Q Approval) This prior approval was issued on 29 November 2023 and is a material consideration that I address later in this decision.

Character and appearance

14. The appeal site is visible from various public vantage points, including the lane that runs past the site, the main road to the south west and the northern end of Trenant Close (to the west). The Council suggest it is also visible from the caravan site (to the north) and from a Public Right of Way, albeit I was unable on my site visit to locate the latter. Within all of these views the existing barn reads as a modest low profile building and a subservient feature within the local landscape. It has a simple utilitarian form with a weathered appearance that sits comfortably within the wider agricultural landscape and is a traditional type of barn that you commonly find within the open countryside.
15. The existing barn and its curtilage are viewed and read as part of the agricultural landscape within which it is sited, specifically the large open fields that surround it. Views from the barn extend towards Polzeath and to the coast and vice versa, but even as you approach the site, in either direction on the lane, the barn is viewed in the context of its landscape setting comprising largely Cornish Hedging. The upper part of the barn is still visible but with its low profile roof, traditional appearance and simple pallet of materials it does not appear out of place.
16. The proposed new dwellings would result in a significant change to the views from public vantage points. The low profile barn would be replaced by two large two storey detached dwellings whose bulk, scale, height and siting would be significant in comparison to the existing barn. Leaving aside any comparisons of footprints, Plot 1 would largely be sited in the position of the existing barn with Plot 2 sited on land that is currently open and undeveloped. A large section of Cornish Hedging would be removed, reduced in height and repositioned to accommodate a new access and visibility splays to Plot 2, with large hardstanding areas for parking and turning and other domestic features such as the formal lawns to each plot. There

would also be the potential for added paraphernalia such as sitting out areas, patios, sheds and washing lines. Combined, they would erode the character of this part of the countryside and lead to a harmful urbanising effect.

17. The new dwellings would be physically and visually separated from the cluster of properties to the north. In addition, due to the topography of the site, Plot 2 would, I understand, sit at a higher level to Plot 1 and thus the existing barn, accentuating further the visual prominence of the proposed development and its impact on the local landscape. Whilst it's unclear from the 'key' to the proposed site plan as to the treatment of the western boundary of the site, any form of enclosure would further harm the open character of the area and its landscape setting.
18. The proposed contemporary design of the new dwellings with their horizontal emphasis, vertical elevations of stone and zinc, flat roofs, projecting balconies and large areas of glazing, would exacerbate the harm and result in a development that is not characteristic of the agricultural landscape. I also agree with the Council that the design is awkward and that the proposal would appear out of character with its agricultural and landscaped setting. Overall, the proposed development would be visually prominent and incongruous and would not integrate or assimilate into the landscape character of the area. Whilst I accept that there would be the potential to bring forward new landscaping and Cornish Hedging these would not mitigate for the harm that would arise.
19. The existing barn does not appear to have any window openings and I accept that lighting for the new dwellings is a matter that could be subject to further approval. Even so, it is inevitable that given the proposed layout, amount of accommodation and extensive areas of new glazing, the new dwellings would result in significant light spillage, which would harm the dark night skies that remain a positive element of such landscapes.
20. Policies 2, 12 and 23 of the CLP and policy C1 of the DPD seek to protect and enhance the intrinsic natural character, openness and local distinctiveness of such areas. They also confirm that where new development is to be permitted it should take account of, protect and where possible enhance the characteristic, distinctive and historic landscapes of Cornwall, both designated and un-designated. All of these policies are consistent with paragraphs 8, 135 and 187 of the NPPF. The appeal proposal would conflict with a number of these policy requirements and as such it would have a harmful impact on the intrinsic character of the area.
21. The appeal site also lies within Character Area, CCA 28, Camel Estuary. The key characteristics and sensitivities of this CCA include: predominantly farmland with little tree cover; medieval field patterns with Cornish Hedging; varied views inland and across the estuary to the sea; dark sky nights; dispersed clusters of farm based buildings; pressure to convert traditional agricultural buildings to holiday homes; and continued demand for new development. The appeal proposal would conflict with a number of these key characteristics and sensitivities.
22. Accordingly, I find that the appeal proposal would result in harm to the character and appearance of the area contrary to policies 2, 12 and 23 of the CLP, policy C1 of the DPD and the corresponding policies of the NPPF. I have addressed the implications of the Class Q Approval below.

Other Matters

23. The Class Q Approval is for the conversion of the barn to form two dwellings. In the event that this appeal was dismissed, I am satisfied that there is a more than a theoretical possibility that the Class Q Approval would be implemented within the relevant time limit. As a consequence, the Class Q Approval represents a viable fallback option and is a material consideration in the overall planning balance. For this fallback option to be afforded significant weight there must not only be a realistic possibility of it being implemented but there would also be a need for it to be equally or more harmful than the proposal before me.
24. The evidence submitted indicates that this Class Q Approval would reuse the fabric of the barn including its corrugated walls and roof. The approval is for two 2-bed units provided within the existing ground floor only, with new entrance doors and a limited number of window openings. The existing track and access from the lane would also be reused. The remainder of the curtilage and site boundaries would remain unchanged. Overall, the agricultural character, form and proportions of the existing barn would be retained. The external alterations to the barn would be minimal and its existing character or appearance would be preserved as would that of the surrounding area.
25. The appeal scheme comprises the construction of two large two storey 3-bed detached dwellings. Compared to the Class Q Approval, the proposal would have a contemporary design with a greater scale, mass and height of built development, that would extend across a larger part of the frontage to the lane, resulting in a sharp contrast with the low profile and sympathetic Class Q Approval. Plot 2 would be located at a higher level to Plot 1 and thus the existing barn, and on part of the site that is currently open and undeveloped. A new access would be created to Plot 2 from the lane resulting in the loss, reduction and relocation of Cornish Hedging, a positive feature of the site frontage. Additional domestication would result from the new parking and turning areas and proposed formal lawns.
26. As a consequence, the appeal proposal would physically and visually be far more prominent than the Class Q Approval. The former would dominate public views in comparison to the low profile and subdued appearance of the converted barn. The dominance of the appeal scheme would be accentuated by its domestic form, scale and appearance, which would be fundamentally different to the modest conversion of the barn that enables it to retain its agricultural character and form.
27. I find, therefore, that the appeal proposal would result in significantly greater harm to the character and appearance of the area than the Class Q Approval. The level of harm that arises from the proposal would be as described in the main issues. For all these reasons, I would only accord limited weight to the fallback option and it would not provide justification for the appeal proposal as an acceptable alternative.
28. Both parties have referred to examples of decisions involving similar developments to which I have had regard to in reaching my findings. I have not referred to these individually but in relation to Trenants Steading (TS), to the north of the appeal site, I note that in this case planning permission was granted for the construction of two new dwellings in lieu of Class Q on 23 November 2023 (ref. PA23/04893). This permission has not to date been implemented. Even though I do not have all the planning background to this case, based on the evidence before me I do not consider this permission to be comparable to the appeal scheme. There are a

number of differences, including: the curtilage of the barn on TS is more enclosed and does not relate to or have any close affinity with an open field whereas the appeal site does; the TS barn sits within a natural dip and is less visually prominent within the local landscape and from public views than the appeal site is; the TS barn forms part of a cluster of buildings to which the new dwellings would also form part of whereas the new dwellings on the appeal site would sit on their own; the TS barn Class Q approval is for dwellings on two floors; the ridge heights, siting, mass and bulk of the proposed dwellings on the TS site would appear broadly comparable to the barn which is not the case for the appeal scheme.

29. Even so, each application should be assessed on its individual merits with regard to the circumstances of the case and its local context. That is precisely the approach I have adopted here. For the reasons set out above, I am satisfied that neither the TS example nor the others referred to affect my overall findings.
30. The Appellant has referred to the benefits in terms of biodiversity net gain and energy efficiency but in my view those are now standard development control and policy requirements that all new developments should secure. Whilst these are not requirements of the Class Q Approval, there is no reason why they could still not be included in implementing that approval. Even if this did not happen, they do not affect the findings I have reached.
31. I note the Council refer to the benefit of securing primary connection occupancy in line with policy STMNDP 3.2 of the NDP. However, my understanding is that the Appellant does not agree that such a restriction is justified in policy terms and that the appeal scheme has been promoted on the basis that it would be for unfettered market housing. In view of this and my findings on the main issues, I have not considered this matter further.

Planning balance and conclusions

32. The NPPF states that existing development plan policies should not be considered out of date simply because they were adopted prior to the NPPF's publication. Each policy should be assessed and due weight given to it based on its general conformity with the NPPF. In this respect, policies 2, 7, 12 and 23 of the CLP and policy C1 of the DPD are consistent with and remain in general conformity with the NPPF's aims and objectives. These include those seeking to promote sustainable development, restrict new housing in the open countryside and ensure that it is appropriately located, respond to and where possible enhance local character and local distinctiveness, and promote access on foot, by cycling and public transport.
33. Turning to policy STMNDP 2.6 of the NDP, whilst, having regard to paragraph 14 of the NPPF, its detailed locational aspects (Development Boundaries) may be out of date in relation to housing supply, its more generic locational guidance in relation to understanding the extent of settlements and identifying the appropriate circumstances for new development in the countryside remain in general conformity with corresponding policies in the NPPF. These seek to ensure that development is sympathetic to its landscape setting, reflect local needs, is suitably located and avoids inappropriate development in the open countryside.
34. In terms of other considerations, the benefits of the appeal proposal include two new residential units that would boost housing supply in line with paragraph 61 of the NPPF and respond to Cornwall's 'housing crisis', and short term employment

from construction. Even so, the level of housing provision is small and is the same as that which could be secured through the Class Q Approval. The proposal is also for market housing and is not seeking to address any identified affordable need. I, therefore, attach limited weight to these benefits. However, as I have found, the appeal proposal would conflict with policies 2, 7, 12 and 23 of the CLP, policy C1 of the DPD and policy STMNDP 2.6 of the NDP. These policies should be accorded significant weight as they remain consistent with and in conformity with the NPPF. Consequently, I find that the appeal proposal would conflict with the development plan as a whole.

35. Following the publication of the NPPF the Council have confirmed that they can no longer demonstrate a five year supply of housing land. Paragraph 11 d) ii of the NPPF is, therefore, engaged and requires planning permission to be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*
36. The appeal proposal would not be suitably located, it would increase reliance on the private car, it would have an adverse impact on the agricultural and landscaped setting of the area and would have a harmful impact on character and appearance. The appeal proposal would be significantly more harmful than the fallback option in respect of the character and appearance of the area. The adverse impacts I have identified lead to conflict with a number of development plan policies which remain up to date as they are consistent with those in the NPPF and should be accorded significant weight.
37. In my view, the harm I have identified would significantly and demonstrably outweigh the limited benefits of the appeal scheme when assessed against the policies in the NPPF, taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the NPPF does not apply in this instance. The NPPF is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
38. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR